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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF  
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE  
LICENSE OF

ROBERT T. BROWN  
t/a R. T. BROWN ELECTRICAL  
CONTRACTING INC.  
License and Business Permit  
#10584

Administrative Action

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE ELECTRICAL  
CONTRACTING IN THE STATE  
OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Robert T. Brown ("respondent") is a licensed electrical contractor in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Pursuant to N.J.S.A. 45:5A-13.1, all licensees are required to complete 34 credits of continuing education requirements as a condition for triennial license renewal.
3. Pursuant to N.J.A.C. 13:31-1.7(b) and (c), a licensee is required to complete

a minimum of a 10 hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code, and one hour of which shall pertain to applicable State statutes and rules, as well as 24 continuing education credits in a number of other relevant subjects.

4. Respondent indicated, in correspondence dated May 2, 2011, which was related to an inquiry by the Board into a complaint filed against respondent, that he had successfully completed 34 hours of continuing education. However, respondent, in the same letter, admitted that he had not been aware of the above-mentioned requirement that a minimum of 10 hours of the continuing education relate to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code, and one hour of which shall pertain to applicable State statutes and rules. N.J.A.C. 13:31-1.7(c).

5. As such, respondent did not complete the required 10 hours of continuing education relating to the most recent edition of the National Electrical Code and State statutes and rules.

#### CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21h, in that respondent has failed to comply with the provisions of an act or regulation administered by the Board, specifically, N.J.S.A. 45:5A-13.1 et seq., and N.J.A.C. 13:31-1.7(b) and (c), in that respondent failed to successfully complete 10 credits of continuing education relating to the most recent edition of the National Electrical Code, nine hours of which must pertain to the code, and one hour of which must pertain to applicable State statutes and rules.

## DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 11, 2012. The Provisional Order imposed a reprimand for failing to comply with the provisions of an act or regulation administered by the Board, in violation of N.J.S.A. 45:1-21(h), specifically, N.J.S.A. 45:5A-13.1 et seq. and N.J.A.C. 13:31-1.7(b) and (c), in that respondent failed to successfully complete 10 credits of continuing education relating to the most recent edition of the National Electrical Code, nine hours of which must pertain to the code, and one hour of which must pertain to applicable State statutes and rules. Additionally, the Provisional Order assessed a civil penalty in the amount of \$2,500 and required respondent, within three months from the date of the Provisional Order, to demonstrate to the satisfaction of the Board, that he has completed all missing course hours. Failure to comply would result in an automatic and immediate suspension of respondent's license.

The Provisional Order was forwarded to respondent's last known address on file with the Board by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 P.M. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should not be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

In response to the Provisional Order, respondent sent a letter to the Board dated August 7, 2012. In the letter, respondent apologized to the Board for not completing the

requisite 10 hours of course work in the recent edition of the NEC. Respondent stated it was an oversight, and that he will complete the required course work by the end of August. Respondent also stated he has been an electrical contractor since 1990 and has never had any problems with the Board. Respondent cited financial difficulties and asked that the civil penalty be eliminated or reduced.

On September 5, 2012, the Board considered respondent's August 7, 2012 reply to the Provisional Order. Additionally, the Board was informed that respondent provided proof that he completed the required 10 hours of course work. The Board found that respondent is now in compliance with his continuing education requirements for the 2009 to 2012 triennial renewal period and therefore no suspension of his license should issue. However, respondent failed to originally comply with the requirement and therefore the reprimand and penalty are imposed.

The Board also considered respondent's request to eliminate or modify the \$2,500.00 civil penalty based on his current economic circumstances. The Board voted to permit respondent to make twelve monthly installment payments of \$200 with a \$100 last payment in month thirteen.

ACCORDINGLY, IT IS on this 3 day of oct, 2012,

PROVISIONALLY ORDERED that:

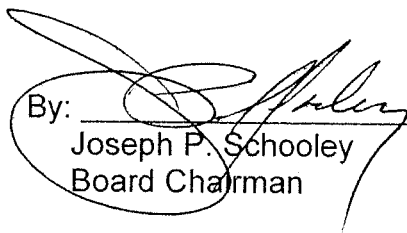
1. A public reprimand is imposed upon respondent, pursuant to N.J.S.A. 45:1-22, for the violation of N.J.S.A. 1-21(h), specifically N.J.S.A. 45:5A-13.1 et seq., and N.J.A.C. 13:31-1.7(b) and (c).

2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500 for failing to complete the minimum number of required continuing

education credits in violation of N.J.S.A. 45:5A-13.1 et seq., N.J.S.A. 45:1-21(h), N.J.A.C. 13:31-1.7(b), specifically, for failing to complete a minimum of a 10 hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which must pertain to the code, and one hour of which must pertain to applicable State statutes and rules, in violation of N.J.A.C. 13:31-1.7(c).

3. Payment of the entire civil penalty totaling \$2,500 shall be made by certified check or money order payable to the State of New Jersey and forwarded to Executive Director, State Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ 07101. Respondent may make twelve monthly payments of \$200, with a \$100 payment made for the thirteenth month. The first payment shall be due on October 1, 2012. The second payment shall be due on November 1, 2012 with subsequent payments due on the first of each month thereafter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and the Board may take such further action as it deems appropriate.

NEW JERSEY BOARD OF EXAMINERS OF  
ELECTRICAL CONTRACTORS

By:   
Joseph P. Schooley  
Board Chairman